

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CRYSTAL HARDY,

Plaintiff,

v.

TEXAS BANK AND TRUST,

Defendant.

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CIVIL ACTION NO. 2:18-cv-00018

JURY DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT AND JURY DEMAND

COMES NOW, Crystal Hardy (“Plaintiff” and “Hardy” throughout), and brings this action against Texas Bank and Trust. (“Defendant” and “TBT” throughout) for violations of the Age Discrimination in Employment Act and Title VII of the Civil Rights Act of 1964. In support of such claims, Hardy would show as follows:

I. JURISDICTION

1. This action arises under the Age Discrimination in Employment Act (29 U.S. Code §§ 621 et seq.) and Title VII of the Civil Rights Act of 1964 (42 U.S. Code §§ 12101 et seq.).
2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1332 and 1337.

II. PARTIES

3. Plaintiff Crystal Hardy is a citizen of the United States and resides in Harrison County, Texas.
4. Defendant Texas Bank and Trust is registered as a Texas state financial institution.
5. Hardy was at all relevant times an “employee” of TBT as defined by the applicable statutes.

6. TBT was at all relevant times an “employer” as defined by the applicable statutes. TBT is a covered entity for purposes of the statutes under which these claims are brought.

7. TBT may be served with summons through service on its registered agent, Rogers Pope, 300 E. Whaley, Longview, Texas 75606.

III. STATEMENT OF FACTS

8. Hardy worked for TBT for 22 years.

9. Hardy is a female.

10. At the time of her termination, Hardy was 62 years old.

11. At the time of her termination, Hardy was the Bank Card Manager, which was a Vice President-level position within TBT.

12. On May 12, 2016, Roy Eon, EVP and Chief Administrative Officer of TBT, fired Hardy. He only told her that TBT was going in a “different leadership direction.” Cryptically, he later told Hardy would see her termination as a “blessing.” Hardy disagreed, as she planned to work for TBT until at least the age of 67.

13. When she was terminated, Hardy had no write-ups or written counselings that would have otherwise apprised her of any genuine concerns that TBT supposedly had about her. No one ever told her why she was terminated.

14. In fact, Hardy noticed around that time that a substantial number of employees over 40 were either being terminated or were suddenly “retiring,” with almost all of those being women.

15. Hardy was replaced by a male, Chris Graham, who she believes was in his late 30s at the time of her termination.

16. Hardy believes that she was part of a “culling” of older employees, and especially female employees. She was terminated due to her age and/or sex, and not for any legitimate, work-related reason.

**IV. FIRST CAUSE OF ACTION -
AGE DISCRIMINATION IN EMPLOYMENT ACT**

17. By the allegations described above, TBT violated Hardy’s rights under the Age Discrimination in Employment Act, 29 U.S.C. §§621 et seq., by terminating her due to her age. TBT’s violations justify an award of economic damages, compensatory and non-compensatory damages, exemplary damages, attorney fees, court costs, pre- and post-judgment interest, and any relief to which Hardy may be entitled.

**V. SECOND CAUSE OF ACTION -
VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

18. By the allegations described above, TBT discriminated against Hardy on the basis of her sex, female, in violation of Title VII of the Civil Rights Act of 1964 (42 U.S. Code § 12101 et seq.). TBT’s violations justify an award of damages, including economic damages, the equitable relief of reinstatement or in lieu of reinstatement, front pay, compensatory and non-compensatory damages, exemplary damages, attorney fees, court costs, pre- and post-judgment interest, and any relief to which Hardy may be entitled.

VI. CONDITIONS PRECEDENT

19. On October 23, 2017, the EEOC issued a Notice of Right to Sue to Hardy and her counsel. The Notice was received on October 25, 2017, and is attached as Exhibit A. Hardy timely files suit within 90 days of receipt of that Notice.

VII. REQUEST FOR JURY TRIAL

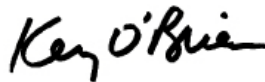
20. Hardy requests a trial by jury.

VIII. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Hardy requests that:

1. The Court assume jurisdiction of this cause and that Defendant be cited to appear;
2. The Court award damages to Plaintiff as specified above, including economic, compensatory and non-compensatory damages, as well as exemplary damages, for Defendant's violations of the ADEA and Title VII of the Civil Rights Act of 1964;
3. The Court award reinstatement, or if reinstatement is not feasible, front pay;
4. The Court award a reasonable attorney's fee, expert witness fees, and costs, as provided by law;
5. The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed; and
6. The Court award any such other relief allowed by law and as the Court may find proper.

Respectfully submitted,



Kerry V. O'Brien

Texas Bar No. 24038469

Board Certified in Labor & Employment Law by the TBLS



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COUNSEL FOR PLAINTIFF HARDY

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

EXHIBIT A

To: Crystal A. Hardy
102 Pine Crest Dr
Longview, TX 75602

From: Dallas District Office
207 S. Houston St.
3rd Floor
Dallas, TX 75202

*Rec'd by
KVO
10/25/17 @
10:30 am*



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2017-01867

Sandra C. Taylor,
Enforcement Supervisor

(214) 253-2877

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

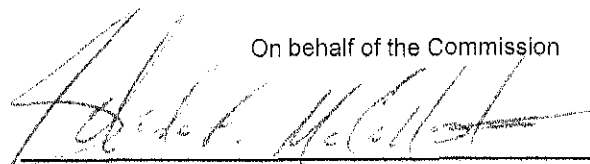


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Belinda F. McCallister,
Acting District Director

10/23/17

(Date Mailed)

Enclosures(s)

cc: Kevin Hood, President
TEXAS BANK AND TRUST
300 E. Whaley
Longview, TX 75601

Kerry O'Brien, Attorney
O'BRIEN LAW FIRM
1011 Westlake Drive
Austin, TX 78746

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.